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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,269

02/12/2004

Hubert Ringhoff

P24743

5503

7055 7590 12/29/2006
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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/29/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/776,269

Applicant(s)

RINGHOFF ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-31 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) 35-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 35-40 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 24, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 12, 14-16, 18, 21-23, 31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US 5,156,713).

Ishii et al. is applied for the same reasons as set forth in the last office action. As to the new requirement in claim 1 that the belt building drum device be structured and arranged to move across the first production line (and between the other drums), as noted in the last office action (relevant to the similar requirement previously present in claims 31 and 34), the belt drum is movable across the line (K) to a transfer position. Applicant has argued that "ISHII does not disclose or suggest that the movable belt building drum device 220 is movable across the axis K" (emphasis in original) and that such movement is prevented by transfer means 224. This argument has been carefully considered but is unpersuasive. In particular, prior to movement of the drum 220 across the axis K, the transfer means is rotated 90 degrees around "M" from its position illustrated in fig. 14 to what is described as the "first position" (col. 15, lines 43-47) in which the axis of the transfer means 224 is coaxial with the axis "L". Such would therefore allow *and in fact require* that the drum 220 cross the axis K in order to be surrounded by the transfer means 224 so that the built belt can then be transferred to

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the transfer means, it being stressed that the transfer means 224 is of course a hollow ring that would be adapted to surround the drum 220. In other words, in order to transfer the belt assembly, the drum 220 will move to a position such that it is surrounded by the transfer means and bisected by the axis K and in order to be bisected by axis K, *it must have crossed this axis*. Nothing in the present claims requires anything more than this. This apparatus is therefore again considered to clearly anticipate the noted claims.

4. Claims 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied in the last office action.

5. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied above, and further in view of at least one of [Riggs (US 4,304,619) and Alexander (US 4,204,903)] as applied in the last office action.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (US 5,156,713) as applied to claim 1 above, and further in view of at least one of [DE 19918523 to Continental and Habert (US 3,888,720 - newly cited)]

As to claim 13, Ishii et al. only schematically discloses a single building (referred to as "coating" in the claims) position for the belt building drum. It however is well known in this art that when building a tire belt assembly, it is common to move the belt drum among several position for application of the several layers to the drum - DE 19918523 (a machine translation of the specification for this reference is included with this office action - note belt drum 14 movable between positions 16 and 17) and Habert (note esp. drum 130 in fig. 1 movable between positions A-A, B-B, C-C) are exemplary

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of this well known building expedient. To adopt plural building positions for the belt building in which the drum moves between positions in Ishii et al. would therefore have been an obvious belt building expedient, advantages in terms of avoiding plural servicer interference by spreading the assembly among plural positions being considered to have been readily apparent.

7. Applicant's arguments filed 10-11-2006 have been fully considered but they are not persuasive at least as regards the remaining rejections.


The previous 35 USC 112 rejections have however been withdrawn in view of applicant's response. The prior art rejections will be maintained, the arguments with respect thereto being answered within the statement of rejection above. Also, it is noted that a new ground of rejection has been applied against claim 13 and as such, this office action has not been made final.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
December 23, 2006